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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

DAVID DEARDEN et al.,
Plaintiffs,

v.

FCA US LLC et al.,
Defendants.

No. 5:16-cv-00713

No. 2:16-cv-02706

FILED

JUL 20 2016

MICHAEL E. KUNZ, Clerk
By V. J. J. Dep. Clerk

ORDER

AND NOW, this 19th day of July, 2016, upon consideration of Plaintiffs' Motion to Consolidate, *see Dearden v. FCA US LLC*, No. 5:16-cv-00713 (filed Feb. 12, 2016), ECF No. 26, and in the absence of any opposition thereto,¹ **IT IS HEREBY ORDERED THAT:**

1. Plaintiffs' Motion to Consolidate, *see Dearden*, No. 5:16-cv-00713, ECF No. 26, is **GRANTED**;²
2. The Clerk of Court is directed to consolidate Case No. 2:16-cv-02706 into Case No. 5:16-cv-00713, and all future filings shall be docketed in Case No. 5:16-cv-00713 only;
3. All pending motions in both cases are **DISMISSED without prejudice**;
4. Case No. 2:16-cv-02706 is **CLOSED**;

¹ Although the Motion to Consolidate was only docketed in one case number, it was served upon all Defendants for both cases. *See* Certificate of Service, *Dearden*, No. 5:16-cv-00713, ECF No. 26.

² "A district court has broad discretion when determining whether consolidation is appropriate." *Borough of Olyphant v. PPL Corp.*, 153 F. App'x 80, 82 (3d Cir. 2005). The two cases, which were removed from the Court of Common Pleas of Philadelphia County, arose following a motor vehicle accident on May 12, 2014, and involve the same or substantially similar claims and parties, as well as common questions of law and fact. *See* Fed. R. Civ. P. 42(a)(2) ("If actions before the court involve a common question of law or fact, the court may . . . consolidate the actions. . . ."). Moreover, "[i]n the absence of timely response, the motion may be granted as uncontested. . . ." E.D. Pa. L.R. 7.1(c).


7-20-16 e-mailed to:
D. Kuass D. Luke
D. Langsam K. Heineke
J. Dania
J. Dodig

mailed to: D. Rosenberg

5. **Within 21 days of the date of this Order**, Plaintiffs are directed to file an amended complaint in Case No. 5:16-cv-00713 encompassing all claims against all Defendants;

6. **Within 21 days of service of the amended complaint**, Defendants shall file a response to the amended complaint, as well as any request based on grounds previously raised for a change of venue or the severance of a claim or a party, *see, e.g.* Def. FCA US LLC's Motion to Sever and Transfer Venue, *Dearden*, No. 5:16-cv-00713, ECF No. 5.

BY THE COURT:



JOSEPH F. LEESON, JR.
United States District Judge